

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

DEC 15 2023

TONY B. MOORE, CLERK
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UNITED STATES OF AMERICA
VERSUS
JOSEPH PREJEAN

* DOCKET NO. 6:23-CR-00269-01
* JUDGE JOSEPH
* MAGISTRATE JUDGE WHITEHURST
*
*

ELEMENTS OF OFFENSE

I.

COUNT 1
Conspiracy to Commit Bribery
18 U.S.C. § 371

Title 18, United States Code, Section 371, makes it a crime for two or more persons to conspire to commit an offense against the laws of the United States. You are charged with conspiring to commit bribery in Count 1 of the bill of information.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member of the conspiracy becomes the agent of every other member.

For you to be found guilty of this crime, the government has to prove each of the following beyond a reasonable doubt:

- First:* that you and at least one other person agreed to commit the crime of bribery, as charged in the bill of information;
- Second:* that you knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: that you or at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the bill of information, in order to accomplish some object or purpose of the conspiracy.

The overt act need not be of a criminal nature so long as it is done in furtherance of the conspiracy.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins in that plan or scheme on one occasion, that is sufficient to convict you for conspiracy even though you had not participated before and even though you played only a minor part.

The government does not need to prove that the alleged conspirators entered into any formal agreement, or that they directly stated between themselves all the details of the scheme. Likewise, the government does not need to prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

Mere presence at the scene of an event, even with knowledge that a crime is being committed, or the mere fact that certain persons may have associated with each other and may have assembled together and discussed common aims and interests, does not necessarily establish proof of the existence of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.¹

Bribery Concerning Programs Receiving Federal Funds (Offering a Bribe)
18 U.S.C. § 666(a)(2)

Title 18, United States Code, Section 666(a)(2), makes it a crime for anyone to corruptly give, offer, or agree to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local, or Indian tribal government, or any agency thereof, that receives more than \$10,000 in federal assistance in any one year period, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more.

In order to be found guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That PO-1 and/or Dusty Guidry were agents of the 15th Judicial District Attorney's Office in the State of Louisiana;

¹ Pattern Crim. Jury Instr. 5th Cir. 2.15A (2019), Pattern Crim. Jury Instr. 5th Cir. 2.15A (2019).

- Second:* That the 15th Judicial District Attorney's Office was an agency of the State of Louisiana that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance;
- Third:* That the defendant corruptly gave, offered, and agreed to give money and other things of value with the intent to influence, and reward PO-1 and/or Dusty Guidry in connection with any business, transaction, and series of transactions of the 15th Judicial District Attorney's Office and
- Fourth:* That the business, transaction, or series of transactions involved anything of value of \$5,000 or more.²

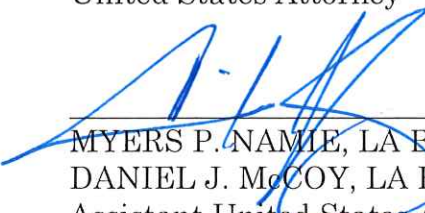
II.
VENUE
18 U.S.C. § 3237(a)

If the case were to proceed to trial, the government would also have the burden of proving proper venue - that is the government would have to prove by a preponderance of the evidence that the offense was begun, continued, or completed in one of the Parishes that make up the Western District of Louisiana.

Respectfully submitted,

BRANDON B. BROWN
United States Attorney

Dated: 12/15/23



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² Pattern Crim. Jury Instr. 5th Cir. 2.33C (2019), Pattern Crim. Jury Instr. 5th Cir. 2.33C (2019).

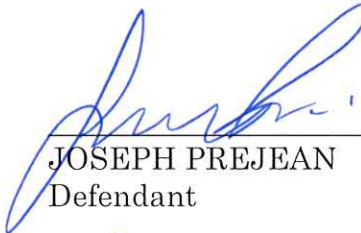
COREY AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice

Dated: 12/15/23



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